

ARTICLE XXIV - ADMINISTRATION AND ENFORCEMENT

SECTION 2400: ENFORCEMENT

The provisions of this Ordinance shall be administered, interpreted, and enforced by the Zoning Administrator, and those other members of the Department of Inspections to whom he has delegated enforcement authority in the performance of their duties and any other peace officer. In the exercise of their duties, the officials, directors, employees, representatives, police and deputies shall have authority provided by law for the enforcement of Ordinances, including, but not by way of limitation, the authority to issue and serve appearance citations, as provided by Section 764.9(a) to 764.9(g) of the compiled laws of the State of Michigan, and the right to enter private premises as provided by law.

SECTION 2401: DUTIES AND POWERS

The Zoning Administrator shall have the authority to grant zoning compliance and occupancy permits, to make inspections of buildings or premises, and review plans necessary to carry out his/her respective duties in the enforcement of this Ordinance.

The interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, morals, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance, rules and regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.

SECTION 2402: BUILDING PERMITS

A building permit shall not be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

SECTION 2403: CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued by the Director of Inspections if there is any noncompliance with the provision of this Ordinance.

1. Exception

All unfinished site improvements which are included on an approved site plan, or which are otherwise required by this Ordinance shall be constructed, installed or placed on the property, and be approved by the Inspections Department within six (6) months of

obtaining a Certificate of Occupancy or they shall constitute a violation of this Ordinance giving rise to the penalties for herein, and constitute a basis for relief in Circuit Court.

SECTION 2404: ZONE CHANGES AND AMENDMENTS

The City Commission may, from time to time, on recommendation from the Planning Commission, or on its own motion, or on petition, amend, supplement, modify or change this Ordinance in accordance with the authority of Act 207 of the Public Acts of 1921 as amended.

SECTION 2405: PETITIONS, FEES [amended 3/97]

Any person desiring an amendment or change in the map or in any other provision of this chapter shall present to the City Commission, through the City Clerk, a petition for such amendment or change, together with a fee in the amount specified in the City's Master Fee Schedule as adopted by a resolution of the City Commission and in effect at the time of application. Said fee is intended to cover the cost to the City of publishing legal notice of the hearing and other reasonable administrative costs.

The Planning Commission shall hold a public hearing after notice, published in a newspaper of general circulation, and by mail or personal service to all owners of property within two hundred (200) feet of the property. Such notice shall be served as required fifteen (15) days prior to the hearing.

The Planning Commission shall make a report to the City Commission who may adopt such amendments with or without amendments.

SECTION 2406: PROTEST PETITIONS

Upon presentation of a protest petition meeting the requirements of this ordinance, an amendment to a zoning ordinance which is the object of the petition shall be approved by at least a 2/3 vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) of the following:

1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
2. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
3. For the purposes of subsections (a) and (b), publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.

SECTION 2407: VIOLATION AND PENALTIES [amended 5/12/98].

Any person, firm, or corporation violating any of the provisions of the Zoning Ordinance shall be responsible for a civil infraction. All such persons, regardless of their interest in property (for instance, owner or occupant) may be responsible for the civil infraction.

SECTION 2408: PUBLIC NUISANCE PER SE

In addition to all other remedies, including the penalties provided in this Section of this Ordinance, the City may commence and prosecute and take appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any noncompliance with, or violation of, any of the provisions in this Ordinance, or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed, or converted, or uses carried on in violation of any provisions of this Ordinance or in violation of any regulations made under the authority of Act 207 of the Michigan Public Acts of 1921, as amended, are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

SECTION 2409: RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 2410: FORBEARANCE NOT CONDONED

Forbearance in enforcement of this Ordinance shall not be deemed condonation of any violation thereof.

SECTION 2411: EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 2412: ZONING COMMISSION

The City of Muskegon Planning Commission is hereby designated as the Commission specified in Act 285 of the Public Acts of 1931, as amended, and shall perform the duties of said Commission as provided in the statute in connection with amendment of this Ordinance.